IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1112 of 2004

Between:

1 M/s Kumar Raja Pet Preforms (p) Ltd., 60-7-8, 4th lane Siddarthanagar, Vijayawada-10,
rep by its Director, Smt.Uppalapati Lakshmi Tulasi
2 Smt.Uppalapati Lakshmi Tulasi, w/o US Babu, 60-7-8, 4th lane Siddarthanagar, Vijayawada-10,

..... PETITIONER(S)

AND

1 Government of India, rep by its Secretary, Law and Legislative Affairs, New Delhi
2 The Authorised Officer, Andhra Bank Zonal Office,
Vijayawada
3 The Branch Manger, Andhra Bank, Gandhinagar Branch
Vijayawada

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ declaring that the Secruritisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is unconstitutional and consequently declare that the notice issued by the 2nd respondent Bank dt.20-12-2003 under Sec.13(2) of the said Act as illegal and direct the respondents not to realise the loan amounts from the petitioner without resought to the Court of Law or Judicial Authority

Counsel for the Petitioners:MRS.CH.LAXMI CHAYA

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent Nos. 2 and 3: Nooty Ramamohana Rao

The Court made the following :

Oral Order (per Sri Devinder Gupta, CJ)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction

of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, relief prayed for cannot be granted.

The Writ petition, therefore, is dismissed.

_____

DEVINDER GUPTA, CJ

Date: 12th July, 2004

_____

G. ROHINI, J.

Pnb

To:

1. Government of India, rep by its Secretary, Law and

Legislative Affairs, New Delhi.

2 The Authorised Officer, Andhra Bank Zonal Office, Vijayawada

3 The Branch Manger, Andhra Bank, Gandhinagar Branch Vijayawada.

4 Two C.D. Copies